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acid molecule described herein, for example those set forth in SEQ ID NO:1.

On page 5, lines 16-17 should be replaced with the following:

NE  
comprising the nucleotide sequence shown in SEQ ID NO:3.

NE  
On page 6, lines 12-18 should be deleted.

#### In the Claims

Please amend claims 1, 2, 6, 7, 14, 18 and 21 to read as follows:

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1. (amended) An isolated polypeptide selected from the group consisting of:
    - (a) a polypeptide comprising an amino acid sequence set forth in SEQ ID NO: 2; and
    - (b) a polypeptide encoded by a nucleotide sequence comprising the sequence set forth in SEQ ID NO: 1;
  2. (amended) An isolated nucleic acid molecule comprising a nucleotide sequence selected from the group consisting of:
    - (a) a nucleotide sequence comprising the sequence set forth in SEQ ID NO:1;
    - (b) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence set forth in SEQ ID NO:2;
    - (c) a nucleotide sequence having at least 95% identity to the sequence of SEQ ID NO:1, wherein said sequence encodes a polypeptide having proteinase inhibitor-like activity;
    - (d) a nucleotide sequence comprising the complement of a sequence corresponding to a), b), or c), or ); and
    - (e) a nucleotide sequence that hybridizes under stringent conditions to the complement of a) or b), wherein said sequence encodes a polypeptide having proteinase inhibitor-like activity and said stringent conditions

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*A1 con*

comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C and a wash in 0.1X SSC at 60°C to 65°C.

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- fid*
6. (amended) A plant having stably incorporated into its genome at least one DNA construct comprising a nucleotide sequence operably linked to a heterologous promoter that drives expression in said plant, wherein said nucleotide sequence is selected from the group consisting of:
- (a) a nucleotide sequence comprising the sequence set forth in SEQ ID NO:1;
  - (b) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence set forth in SEQ ID NO:2;
  - (c) a nucleotide sequence having at least 95% identity to the sequence of SEQ ID NO:1;
  - (d) a nucleotide sequence comprising the complement of a sequence corresponding to a), b), or c); and,
  - (e) a nucleotide sequence that hybridizes under stringent conditions to the complement of a) or b), wherein said sequence encodes a polypeptide having proteinase inhibitor-like activity and said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C and a wash in 0.1X SSC at 60°C to 65°C.
7. (amended) The DNA construct of claim 3 wherein said promoter is selected from the group consisting of:
- (a) a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;
  - (b) a nucleotide sequence having at least 75% identity to the sequence of SEQ ID NO:3, wherein said sequence is capable of regulating transcription; and,
  - (c) a nucleotide sequence comprising at least 20 contiguous nucleotides of SEQ ID NO:3, wherein said sequence is capable of regulating transcription.
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A3

14. (amended) A method for modulating disease resistance in a plant, said method comprising stably introducing into the genome of the plant at least one DNA construct comprising a nucleotide sequence operably linked to a heterologous promoter active in said plant, wherein said nucleotide sequence is selected from the group consisting of:

- (a) a nucleotide sequence comprising the sequence set forth in SEQ ID NO:1;
- (b) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence set forth in SEQ ID NO:2;
- (c) a nucleotide sequence having at least 95% identity to the sequence of SEQ ID NO:1 wherein said nucleotide sequence encodes a polypeptide having proteinase inhibitor-like activity; and
- (d) a nucleotide sequence that hybridizes under stringent conditions to the complement of a) or b) , wherein said sequence encodes a polypeptide having proteinase inhibitor-like activity and said stringent conditions comprise hybridization in 50% formamide, 1 M NaCl, 1% SDS at 37°C and a wash in 0.1X SSC at 60°C to 65°C.

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18. (amended) An isolated nucleotide sequence selected from the group consisting of:

- (a) a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;
- (b) a nucleotide sequence having at least 75% identity to SEQ ID NO:3, wherein said nucleotide sequence is capable of regulating transcription; and,
- (c) a nucleotide sequence comprising at least 20 contiguous nucleotide sequences of SEQ ID NO:3, wherein said nucleotide sequence is capable of regulating transcription.

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21. (amended) A plant having stably incorporated into its genome at least one DNA construct comprising a nucleotide sequence of interest operably